REMARKS CONCERNING THE AMENDMENTS

No amendments to the claims have been made in this Request for Reconsideration.

SUMMARY OF THE OFFICE ACTION

1. Claims 13-23 have been rejected under 35 USC 103(a) as Obvious over Soltys (US 6,638,161) in View of Purton (WO 00/51076).

It is asserted that Soltys discloses:

A) a method and system for examining and verifying the order of cards played with the order of cards dealt during a casino table card game including:

1) card reading device for reading spent cards at the conclusion of a round of play (Soltys Figs 6 and 7; Purton element 13);

2) the placing of a spent set of cards, less than a complete deck, into a card infeed area of the card reading device at the conclusion of a round of play (Soltys column 3, lines 60-64 and col. 23, lines 23-38; and

3) the determination of hand composition played in a round of a casino table game by sending a signal representing at least one of rank and suit of each spent card in an order in which the spent card was placed in the card infeed area;

4) the signal of 3) being used to determine the composition of hands played in the round of the table game (Soltys Col. 23, lines 3-57 and Figures 12 and 14-16).

It is asserted that even though Soltys uses a static bar code reading system against stationary cards, Purton teaches the use of rollers for moving cards one-at-a-time from the bottom of a set of cards in an infeed area to read suit and rank of cards before depositing cards into a collection area. (Purton elements 15 and 19, Figure 3, and page 9, lines 5-9 and 15-19).

It is asserted to have been obvious to substitute the card reading system of Purton into the hand confirmation system of Soltys to further allow the inspection of cards for tampering as taught by Purton (pages 13-15).

RESPONSE TO THE REJECTIONS

This rejection is respectfully traversed. It is thought to be useful to provide an actual comparison of the rejected claims and the combined teachings of the references to show how this rejection fails.

CLAIM 13	SOLTYS	PURTON	COMMENTS
A method of reading cards	Soltys reads the	Purton reads cards	**Purton does not show**

during a casino card table game comprising:	entire set of cards **before** a game and reads the entire set of cards after the game is completed and all cards are collected.	of an entire set before play of a game or after completion of play to verify the set.	reading of individual cards one-at-a-time DURING a game, which is an essential step in the claimed method of claim 13. Soltys shows reading groups of cards as a group, at times which may or may not be during a card game.
a. providing a card reading device for reading spent cards collected at a conclusion of a round of play of the casino table card game;	Soltys states receiving "a collected sequence of playing card values corresponding to the completed hands" **Cited col. 3, lines 60-64.** In step **618** Soltys determines the sequence of playing cards. (Col. 23, lines 32-35).	Purton reads cards of an entire set before play of a game or after completion of play to verify the set.	**Looking at the process of Soltys, the hands are collected "in sequence" and the ability to reconcile hands necessitates that sequence. Note Fig. 12, steps 606-622, with even payment done before collection and subsequent sequence determination.**
b. placing a set of spent cards, but less than a complete deck of cards into a card in-feed area of the card reading device at the conclusion of a round of play of the casino table card game,	Soltys may insert all hands collected from a round of play into a discard shoe. (Figure 6 of Soltys) element **500**.	Purton reads cards of an entire set before play of a game or after completion of play to verify the set.	
c. moving the spent cards one at a time from a bottom of the set of spent cards in the in-feed area,	Soltys uses a static system, and the process is limited to collecting sequences because of that.	Purton reads cards of an entire set before play of a game or after completion of play to verify the set.	**Because Soltys uses a static system and depends upon analysis of the sequence, the static system is essential. Soltys <u>reads code on the edges of groups of cards when groups of cards</u> are inserted into collections systems.** **Purton does not suggest that use of a moving card reading system obviates the need for the static system of Soltys.**
d. reading at least one of the suit and rank of each	Soltys uses a static system, and the	Purton does read individual cards	**Soltys deposits groups of spent cards and reads all**

spent card before the spent card is deposited into a card collection area of the card reading device, and	process is limited to collecting sequences because of that. All deposited cards are read at one time.	one-at-a-time before being deposited into a collection area.	**the cards at the same time. This is a technical and functional disadvantage discussed later.**
e. determining composition of hands played in the round of play of the casino table card game by sending a signal representing the at least one of rank and suit of each spent card in an order in which each spent card was placed in the card in-feed area,	Soltys reads and signals based on the "in order" reading of cards inserted. The card reader 24C reads an **identifier** from the cards **61** constructing one or more completed hands.	Purton also reads cards in the order in which they are inserted.	**Because of the sequence reading system required by Soltys, even when reading one round of play, the system must read all cards at the same time in the collection area, or at least overlapping sequences of inserted cards to at least determine the boundary from the last hand. Purton does not suggest that his reading system corrects that problem.**
wherein the signal is sent to a processor where the signal of information of at least one of the suit and rank of the individual cards is processed.	Soltys sends signals to a processor.	Purton reads signals in a processor to determine suit and rank.	

The arguments presented by the Rejection assert that even though Soltys uses a static orientation bar-code reader for interpreting the suit and/or rank of the spent cards, it would have been obvious to use the deck verification system of Purton to additionally inspect cards for counterfeiting or damage. This argument does not support obviousness.

The fact is, even if the card moving system and card reading system of Purton were used, this substitution would require an entire redevelopment of the object and function of the Soltys software, a much more serious alteration than the suggested benefits.

More importantly, as explained in detail herein, there are in fact NO real benefits from the proposed and cited reasons for replacement of the Soltys reading system with the Purton-type reading system.

The significant advantages of the claimed system are not suggested or apparent from the teachings of Purton. **It is error to suggest that the use of the Purton system in the Soltys system to gain a trivial advantage establishes obviousness, especially**

where the replacement destroys what Soltys asserted as the significant advantage of the system, the ability to read collected sets of cards deposited into the system.

Even if the system of Purton were to be integrated into the system of Soltys, entirely new software with different properties and analytical bases would be needed and the apparent benefits of the Soltys system (reduced moving parts, reduced card movement in the system, reduced wear of he cards) would be destroyed.

Additionally, the "advantage" purported from the Purton system automated inspection of cards for damage is not sufficient motivation to completely redesign the Soltys system. Inspection of cards is always done by dealers with new cards in advance of initial shuffling, and significant physical damage to cards is readily apparent to dealers. Card reading, as performed by Soltys also easily identifies counterfeit cards by the code on the sides of the cards. The ability to discern counterfeit cards is already performed by this Soltys reference which prints the cards in a random order and delivers those cards in the order printed. This is an absolutely foolproof basis for preventing counterfeit or marked cards as the cards are always in the control of the house from their moment of creation until collection. Altering the entire software and reading system of Soltys and altering the entire hardware system of Soltys to provide a less accurate method of counterfeit protection (or even card damage inspection) is a step backwards in the art from the assured system of Soltys.

IT IS NOT OBVIOUS TO GROSSLY ALTER AN ENTIRE COMMERCIAL SYSTEM TO OBTAIN REDUCED PERFORMANCE AT THE COST OF SIGNIFICANT HARDWARE AND SOFTWARE REDSIGNS. Replacing the fool-proof security system of Soltys to gain the "advantage" of a system that performs with less security than the system of Soltys on the very issue of the "advantage" (card security) is not obvious.

Additionally, there is a functional disadvantage in the performance of Soltys that was not recognized at the time and which disadvantage has been corrected by the claimed subject matter. One asserted advantage of Soltys was the collective reading of sets of cards. In fact, the collective reading created problems that were never overcome in the Soltys system, and those problems are at least part of the reason that commercial embodiments of the Soltys system have been removed from casinos.

Reading Inaccuracy

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In attempting to read multiple cards by edges bearing codes thereon, and exposing the code by tilting the cards to provide maximum exposure of the codes, significant reading errors were created in the system. The difficulty in reading small and varying (depending on the degree of tilt and consistency of tilt) sizes of code symbols created significant numbers of errors in card reading. As the reliability of the reading was low, the system could not be depended upon to perform in the field. At the present time, almost all (all but fewer than 5) of the MindPlay systems based on the Soltys technology have been withdrawn from Las Vegas casinos. It was the ineffectiveness of performance that is believed top have been the cause of the removal.

Neither Soltys nor Purton recognized that by reading all cards in the discard rack individually **prior to deposit** into a card collection area that the accuracy of card reading could be improved. Furthermore, the process of game outcome verification provided by Soltys is very specific to printing of cards for delivery and providing unique coding on cards to be read to identify unique cards. This is a much more secure system then that which is provided by the "**advantage**" proposed in the combination.

The claims in the present application require the reading of cards **one-at-a-time during play of the game** which overcomes these problems. The reading of individual cards rather than collective cards provides a high degree of accuracy, one sufficient to be used in casinos. **This is an issue not contemplated as a problem in Soltys nor recognized as problem solution in the practice of the deck verification by Purton.**

Reading complexity

The process of game outcome verification provided by Soltys is very specific because Soltys was unaware of the limitations of his system or the potential of the system to use less computing power with fewer problems created by that system. Soltys clearly requires that groups of cards be collected from the table in the position order of the players and dealers, as is shown in Figure 12 (cited by the PTO in the rejection) and by the description of the software analysis method provided in the specification. That software analysis method also requires that the entire array of cards be picked up from the table and deposited into the static card reading system of Soltys in the same player order as the hands had been positioned on the table. **Note column 24, lines 48-53.**

> "In step 638, the card game evaluation system 10 determines the number of hit cards for each hand of each player. **Again, the card game evaluation system 10 relies on the sequence of collected cards 94** (FIG. 15) and a knowledge of the theoretical initial cards dealt to the players and the dealer. The hit cards accepted by the player lie between the player's initial cards and the next

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previous set of initial cards in the sequence of collected cards 94. Where a hand has been split, there will be hit cards associated with each hand. The hit cards for the hand based on the player's second initial card will lie between that second initial card and the player's first initial card, while the hit cards for the hand based on the player's first initial card will lie between that first initial card and the next previous player's initial card. **Thus, an inspection of the sequence of collected cards 94 (FIG. 15) allows the card game evaluation system 10 to determine the actual number of hit cards take by each player for each hand**." (**emphasis added**)

Of at least equal importance, the system of Soltys would require greater computing power and differentiating software analysis between hands, while the proposed system of the claims would not. Rather than reading a single card at a time, Soltys attempts to read rand, suit, order, position of hands and value of individual hands at one time. This requires significant computing power and with the inherent errors that occur, erroneous results.

In the event that Soltys places an entire round of cards into play in the reading device, or even if he were motivated to place individual hands in the reading device, the reading system would be activated upon each card set entered into the device, and the entire set of cards has to be read as a set, all cards being read at the same time. The reading system also must read and extend over previously inserted cards which have already been read. The reading software must then determine boarders between read cards and unread cards, and determine which of the read cards belong to a particular round of play as opposed to a previous round of play, and must also compensate for burned cards when dealer's change at a particular table in the middle of a rack of cards.

The claimed system of claim 13 eliminates this problem by reading cards **one-at-a-time,** whether delivered as a single card, as a hand, or as a complete sets of hands from a round of play. Although the sequence of cards must be maintained within a hand and amongst hands when hands are inserted, by reading the cards separately from groups inserted, or collectively, as long as the dealer's hand is the last hand in, all previous hands from within that round, whether inserted one-at-a-time or together will be compared to that dealer hand.

Applicants have found that there is a completely distinct problem with the performance of Soltys and that altering the system corrects that problem, which in fact was and is a significant detraction from even the potential for success of the Soltys system. The benefits of the changes made by Applicants were not obvious from the

teachings of the references, and the reasons for making the proposed changes as suggested in this rejection do not stand up to technical analysis. **The rejection is clearly in error.**

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Claim 13 has been previously amended to further clarify the scope of the invention. Claim 13 requires that only cards removed from play are read, and not the entire set of cards. In view of the present amendments, the rejection remains improper, for the reasons set forth above an below.

Applicant concurs with the Examiner's statement of the content of the teachings of the Soltys and Purton references. However, applicant respectfully submits that it is improper to combine the Purton reference with Soltys in the manner suggested.

The purpose of the Purton device is to verify the completeness of a deck or multiple decks of cards *prior to* using the group of cards in a card game. In contrast, the card reader of Soltys reads an entire set or deck of cards prior to and/or after a round of play. Neither reference teaches or suggests a device for individually reading cards **one-at-a-time** after being removed from play of the game. Soltys reads sets of cards collectively (multiple cards at one time, which is the source of problems). Purton reads an entire set of cards (such as one or multiple decks) of cards to verify the content of the complete set. The present claims reads cards **one-at-a-time** for the purpose of determining hand composition *after cards are removed from play*. Applicant's device is not used for reading sets of cards prior to play. Soltys reads all cards of a group of cards inserted into the reading device, and the Purton device is not designed or suggested for the use recited.

The Examiner has failed to establish a *prima facie* case of obviousness in view of the amended claims. The proposed "**advantage**" provided by the system of Purton is actually a technology, as shown above, that performs less well than the system of Soltys. It is not obvious to undergo significant expense in the redesign of the Soltys system to provide a technology (that of Purton) that does not, **in fact**, offer the purported advantage.

The argument regarding the benefit of card counterfeiting inspection is believed to be overcome by the fact that Sosltys already creates the cards in the system by printing them on site for each hand, and that this is a far more assured system then the automatic damage inspection of Purton. That does not provide a basis for the replacement of both

software and fundamental apparatus in the Soltys system, which already performs that task. As the benefits from the combination of Soltys and Purton are spurious, the combination must fail. Additionally, the teachings of Purton do not suggest the benefits of the presently claimed system that have been noted above.

The claims have been previously amended to recite that less than an entire deck of cards is placed into the in-feed area of the present technology in reconstructing hands **and reading cards one-at-a-time**. The object and structure of Purton is to confirm and authenticate an entire deck or sets of decks of playing cards. (e.g., Abstract "..adapted to receive one or more decks of playing cards..." and "A deck is inspected to insure that after use, the deck is complete and that no extra cards are present" (Page 1, lines 13-14) *prior to commissioning the cards for play*. The objective and structure and use of the Purton device is therefore not suggested for use in hand confirmation with fewer that a full deck provided to the device **and the "advantage" is spurious if not technically erroneous**.

Additionally, there is only a single structure in Purton (FIG. 3) that shows the limitation in claim13 of Applicant that cards are removed ion order, one-at-a-time, from the bottom of the set of cards inserted into the card in-feed area. This is more than a trivial consideration as in this recitation of Applicants, cards from consecutive hands may be inserted into the top of a pile while cards from previous hands are still being removed and imaged because the cards are inserted in order to the top of a pile while being removed by the device from the bottom of the pile. When cards are removed from the top of the pile, the device must be stopped for insertion of cards and consecutive cards inserted are no longer placed in an order of play, as new cards are inserted that are removed before old cards played have been removed. When cards are removed from the top of the pile and inserted on the top of another pile (reversing order of cards), the same adverse effects are amplified, because now the order of cards is being reversed.

Therefore, in even to have a partial attempt to assert that the combination of Soltys and Purton render the claims obvious, significant picking and choosing from within Purton must be made, without any motivation or instruction from either Purton or Soltys. It is only after an analysis of the operation and claimed structure and function of the presently claimed invention that one would actually be directed towards a practice of technology similar to that recited in the claims of this Application.

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One cannot merely use the single potentially functional (in the practice of the presently claimed technology) Purton device as a proposed equivalent to or substitution for the Soltys static card analyzer. The software present in the disclosure of Purton does not enable hand evaluation or reconstruction and the edge-read code of Soltys would not be useful in combination with the image data generated by Purton and required in the present claims.

There is a further distinction and inability to combine the references to meet the recited capability and functions of the claims. In the practice of the invention and as claimed, spent cards (and less than the entire set of cards are read), and only the spent cards are read when inserted (see claims 17 and 18 for even more specific limitations). The nature of the Soltys device is that all cards in the support tray must be read, as the reading head movement cannot be finely resolved to start reading at a specific hand edge. This requires that in multiple deck devices, every previously inserted card, rather than only the most recently spent cards must be read and interpreted and analyzed. This requires greater strain on the processing capacity of the system, with no intended benefit. Once cards have been placed in a shoe and read, they cannot change, so rereading them is a superfluous step. This is avoided by the practices recited in the claims.

As can be seen, the two references cannot be combined to even assert obviousness without substantial picking and choosing from among alternatives without any specific motivation for selections from the references, and the devices of both Purton and Soltys must be substantively modified, again without any instruction or motivation from the prior art, to meet the limitations of the claims.
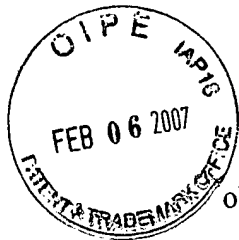
CONCLUSION

The amended and new claims are in condition for allowance and all rejections and objections have been overcome by amendment and argument.

Respectfully submitted,

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